REMARKS

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 1-12 were pending prior to the Office Action. Claims 1 and 12 have been amended and claims 13-18 have been added through this Reply. Claims 1, 12, and 13 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Information Disclosure Statement

In the Office Action, the Examiner has indicated that the information disclosure statement filed April 15, 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the cited document is not in English, and that "[the translated] portion of the document fails to adequately describe the content of the document such that its relevance to this application can be determined." *See Office Action, item 3.*

Applicants respectfully traverse. 37 CFR 1.98(3)(i) and (ii) require that Applicants provide a concise explanation of the relevance of each publication listed that is not in the English language and a copy of the translation if a written English translation, or portion thereof, is readily available to Applicants. In this instance, the submitted partial translation indicates that the document is relevant to the present application in that it discloses a recent situation related to the present invention, *i.e.*, that research and development for integrating a plurality of an owner's cards into an IC card has recently been undertaken. *See also Specification, ¶ [0003].*

Applicants submit that this explanation fulfills the requirements set forth in 37 CFR § 1.98 and respectfully request that the cited document in question be considered.

35 U.S.C. § 112, 2nd Paragraph Rejection

Claims 1-12 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Initially, Applicants disagree with the Examiner's assertion that the alleged lack of antecedent bases in claims 1 and 12 render the claims indefinite. Applicants respectfully submit that the Examiner's focus during examination for compliance with the requirement of

definiteness in § 112, 2nd paragraph is whether the claim meets the threshold requirements of clarity and precision. To do this, the Examiner needs only ensure that the claims define the invention with a reasonable degree of particularity and distinctness. *See MPEP § 2173.02.*

Applicants submit that the claims clearly define that a personal information storing section stores the personal information of the owner, as mentioned in the preamble. It is clear that the limitation "the personal information" can only refer back to "owner's personal information" in the preamble. Although Applicants do not necessarily agree with the Examiner's assertion of indefiniteness, Applicants have amended claim 1 and 12 to recite "the owner's personal information" as per the Examiner's suggestion in order to expedite prosecution. This amendment is not intended to limit the scope of the invention; indeed, the Examiner has indicated that he has interpreted "personal information" as "the owner's personal information" for purposes of examination.

Regarding the Examiner's assertion that "predetermined accessible persons" in claim 1 is unclear, Applicant respectfully submit that "predetermined accessible persons" is plural and thus clearly and definitively refers to a plurality of predetermined accessible persons.

Applicant's respectfully traverse the Examiner's assertion that the phrase "or a criterion stricter than the authentication criterion" renders claim 3 indefinite. Claim 3 describes an authentication criterion corresponding to a strictness of the authentication to be performed in association with a level of the personal information to be disclosed to the accessible person. Owing to the features of claim 3, when the requester authentication section authenticates the request by the authentication criterion or a criterion stricter than the authentication criterion, the access level setting section determines the personal information level corresponding to the authentication criterion as at least a part of the access level. In other words, the authentication criterion corresponds to a minimum authentication strictness at which the access level setting section determines the personal information level corresponding to the authentication criterion as at least a part of the access level. According to claim 3, a stricter criterion may be used by the requester authentication section. Applicants respectfully submit that claim 3 is clear and definite.

All of the Examiner's allegations of indefiniteness being addressed herein, Applicants respectfully request that the §112, second paragraph rejection of claims 1-12 be withdrawn.

Claim Rejections - 35 U.S.C. §102

Claims 1, 7, 9, 10, and 11 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,070,141 to Houvener et al. ("Houvener"). Applicants submit the Examiner has failed to establish a *prima facie* case of anticipation and traverse the rejection.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. §102, the cited reference must teach or suggest each and every element in the claims. *See M.P.E.P. §2131; M.P.E.P. §706.02.* Accordingly, if the cited reference fails to teach or suggest one or more claimed elements, the rejection is improper and must be withdrawn.

Independent claim 1 recites *inter alia* an information storing apparatus storing thereon an owner's personal information, comprising: a personal information storing section storing thereon the owner's personal information which is to be disclosed to predetermined accessible persons; an accessible person information storing section storing thereon accessible person characteristic information indicating a physical characteristic of each of the plurality of accessible persons; a requester authentication section for receiving requester characteristic information indicating a physical characteristic of a requester who requests the personal information, and for performing authentication processing of the requester using the requester characteristic information and the accessible person characteristic information stored on said accessible person information storing section; and an access level setting section for setting an access level, which is a level of the personal information to be disclosed to the requester, when said requester authentication section authenticates the requester as the accessible person.

In other words, claim 1 is directed to an apparatus which stores a physical characteristic of each of a plurality of accessible persons who are accessible to one owner's personal information. Owing to this feature, for example, when a requester other than the owner requests access to the owner's personal information, the present invention can perform authentication processing based on characteristic of the accessible person stored in the accessible person information storing section.

In contrast, Houvener is directed to an access database which authenticates an owner for access to his or her own information. Houvener discloses registering a plurality of owners to be identified by storing at least two identification units (data and/or physical characteristics) corresponding to each user in an identification database. When a particular owner attempts to access his or her information, for example, a user attempting to make a credit card transaction, a first identification unit such as a credit card number is sent to the identification database. The identification database then determines and transmits a second identification unit, such as a picture of the user, to the location of the transaction. Then, a person responsible for positive identification of the user, such as the salesperson performing the transaction, compares the received second identification unit with a corresponding unit physically presented by the user being identified. For instance, the salesperson visually compares the received picture of the user with an ID physically provided by the user to the salesperson. *See Houvener, col. 3, lines 14-62.*

Importantly, although Houvener appears to teach storing characteristics for multiple persons, these characteristics are used only to verify the identification of the multiple persons to provide them with access to their own respective accounts. In contrast, claim 1 expressly recites the features of "a personal information storing section storing thereon the owner's personal information *which is to be disclosed to predetermined accessible persons*", and "a requester authentication section *for performing authentication processing of the requester using the requester characteristic information and the accessible person characteristic information stored on said accessible person information storing section.*" According to the present invention, multiple accessible persons may be granted at least partial access to one owner's personal information, provided that they, as requesters, are authenticated by the requester authentication section based on requester characteristic information and stored accessible person characteristic information. Houvener fails to teach or suggest at least this feature of claim 1.

Furthermore, contrary to the Examiner's assertion, Houvener fails to teach or suggest "an access level setting section for setting an access level, which is the level of the personal information to be disclosed to the requester, when said requester authentication section authenticates the requester as the accessible person," as recited in claim 1. The Examiner points to controller 7 of Houvener as allegedly teaching this feature. However, close inspection of

Houvener reveals no disclosure of controller 7 setting an access level of the personal information to be disclosed to the requester.

Therefore, at least because Houvener fails to teach or suggest each and every claimed element, independent claim 1 is distinguishable from the prior art. Dependent claims 7, 9, 10, and 11 are also distinguishable from the prior art at least due to their dependence from claim 1, directly or indirectly. Accordingly, Applicant respectfully requests that the rejection of claims 1, 7, 9, 10, and 11 under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections - 35 U.S.C. §103(a)

Claims 2-6, and 12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Houvener in view of U.S. Patent No. 6,105,027 to Schneider et al. ("Schneider"). Claim 8 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Houvener. Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and traverse the rejection.

For a 35 U.S.C. § 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, the combination of Houvener and Schneider fails to teach or suggest each and every limitation of claims 2-6, 8, and 12. As demonstrated above, Houvener fails to teach or suggest all of the features of claim 1. Schneider has not been, and indeed cannot be, relied upon to correct at least this deficiency of claim 1. Dependent claims 2-6, 8, and 12 are also distinguishable from the prior art at least due to their dependence from claim 1, directly or indirectly.

Furthermore, regarding claim 12, Houvener in view of Schneider fails to teach or suggest an authentication processing section "receiving a title of the requester" and "performing the authentication processing by a predetermined strictness of the authentication corresponding to

the title." In other words, the present invention determines a strictness of the authentication based on the title of the requester received from a belonging of the requester.

The Examiner relies on Schneider to allegedly teach this feature, pointing to col. 35, lines 4-23. However, a review of this citation, and of Schneider in general, reveals that Schneider does not teach the aforementioned feature of claim 12.

In Schneider, the access filter 203 merely determines whether or not to allow a user access to information based on whether the user belongs to a user group which has the right to access the specific information requested. One verified, the trust level of the access path is adjusted to account for the sensitivity level of the information. However, Schneider does not discloses changing any sort of criteria for determining access based on a title of a requester. In other words, the criterion for access disclosed by Schneider, (*i.e.*, that a user belongs to a certain group which is granted access to certain information) is not changed based on the certain group (or title) to which the requester belongs. Schneider does not disclose changing, based on the title of the requester, the information sets and policy tables used by the access server (see col. 35, lines 4-23) to determine access. Furthermore, the "trust level" of the access path is not part of the authentication procedure, but is merely a security level for the data flow path, which is changed after access verification in order to ensure data transmission security.

Based on the foregoing, Applicants submit that claims 2-6, 8, and 12 are patentable over Houvener in view of Schneider and respectfully request that the rejection of claims 2-6, 8 and 12 under §103(a) be withdrawn.

New Claims

New claims 13-18 have been added through this Reply, and are considered to be in condition for allowance. No new matter has been added.
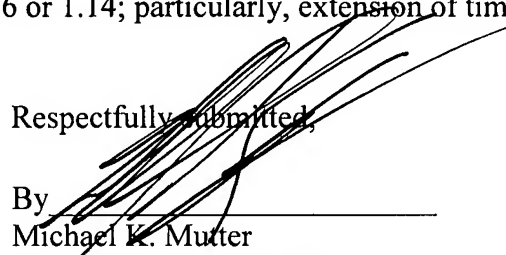
Conclusion

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

MKM/JRS/jm

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders, Reg. No. 60,166 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Date: November 28, 2007   Respectfully submitted,

By

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